IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 452 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE J.R.VORA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MILANBHAI NAVINBHAI PAREKH

Versus

BHARUBHA KUNVARSINH CHUDASAMA & ANR

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Appearance :
MR KIRTIDEV R DAVE for Applicant
MR HRIDAY BUCH for Respondent No. 1
MR KC SHAH APP for Respondent No. 2

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CORAM : HONOURABLE MR.JUSTICE J.R.VORA
Date : 10/01/2006

ORAL JUDGMENT

1 Rule. Waived by learned Advocate Mr N.D. Buch for learned Advocate Mr. H.C. Buch for respondent No.1 and learned APP Mr. K.C. Shah for respondent No.2 State.

2 Learned Advocate Mr. K.R. Dave for the applicant and learned Advocate Mr. N.D. Buch for learned Advocate Mr. H.C. Buch for

respondent No.1 jointly submit a compromise purshis on record in the form of affidavit. Learned APP Mr. K.C. Shah is also present.

3 Compromise Purshis, as signed by applicant and and respondent No.1 and their respective Advocates, is taken on record. Accordingly, in Criminal Case No. 162 of 1999 of the Court of learned J.M.F.C., Dhandhuka for the offences punishable under Section 138 of the Negotiable Instruments Act, complainant i.e. present respondent No.1 herein and accused i.e. applicant herein have entered into compromise. Under Section 320 of the Code of Criminal Procedure, this compromise is recorded and consequently the judgment delivered by learned JMFC, Dhandhuka, on 29th of July, 2004, in Criminal Case No. 162 of 1999 convicting the present applicant is set aside as well as judgment and order delivered by learned Additional Sessions Judge, Second Fast Track Court, Ahmedabad (Rural) on 20th of June, 2005 in Criminal Appeal No. 26 of 2004 confirming the above said judgment and order of conviction, is also set aside. Present applicant is acquitted of the charges levellled against him under Section 138 of the Negotiable Instruments Act in Criminal Case No. 162 of 1999.

4 This Revision Application thus stands disposed of accordingly and rule made absolute. The amount of fine paid by the present applicant before the Trial Court is directed to be refunded to the present applicant.

(J.R.VORA, J.)